

Hamlin Planning Board *Minutes*
Monday, December 2, 2014
7:30 p.m.

The regular scheduled meeting of the Hamlin Planning Board was called to order by Chairperson, Linda Morey at 7:30 pm at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The location of the fire exits and AED were explained for those present. Please turn off all pagers and cell phones.

Members present: Judith Hazen, Steve Lauth, Dave Martin, Linda Morey, Mark Reeves, Peter Toney, and Dave Wolfe.

Also present: Ken Licht Town Attorney, J.P.Schepp Town Engineer, Chad Fabry Building Inspector, Ed Evans and Jeanine Klopp Conservation Advisory Board Members.

Applicant's representatives present: Adam Freeman LandTech, Rich Maier D.D.S., David Matt Schultz Associates.

Residents present: Greg Whelehan, Jake Mosele, Brice Seeley, Mark Glogowski, James Kruger, Eric Peters, Reid Foertsch, Bob Kruger, David Isabella, Nick Kramer, and Cindy Lutwiller.

A motion to approve the November 4, 2013 meeting minutes as submitted was made by Judith Hazen, seconded by Mark Reeves.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Toney aye, and Dave Wolfe aye. All in favor. Motion carried.

Proof of Publication

The clerk read the proof of publication.

PUBLIC HEARING
LOT LINE ADJUSTMENT

KATHY A. BROCKSOPP
3397, 3385, 3391 BRICK SCHOOLHOUSE ROAD, HAMLIN

Application for Kathy A. Brocksopp seeking Re-subdivision of 3 existing lots to adjust the lot lines pursuant to Town Code§520-66 for premises located at 3397, 3385, & 3391 Brick Schoolhouse Road, Hamlin.

Rich Maier of D.D.S. represented Kathy A. Brocksopp.

The home located at 3397 Brick Schoolhouse had the property line going through the existing barn. That line needed to be manipulated so that the house can be sold.

Ken Licht stated he saw the easements on the plans this morning. No comments.

J.P. Schepp had no engineering concerns.

Chad Fabry had no issues.

Conservation Board had no comments.

Chairperson, Linda opened the *Public Hearing*.

She asked for any person/s with comments to state their name and address. There were no comments.

Chairperson Linda Morey closed the *Public Hearing*.

Judith Hazen asked if the common road coming in would be paved. Rich Maier responded that it would probably stay gravel.

Ken Licht added that the revised easements were fine.

A motion was made by Dave Martin, seconded by Steve Lauth to grant approval for the application for Kathy A. Brocksopp for lot line adjustments to 3397, 3385, & 3391 Brick Schoolhouse Road, Hamlin. This is a Type II negative SEQR.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

SKETCH CONFERENCE COUNTRY CREEK ESTATES PHASE III

JAMES BEEHLER & RICK BOWER HAMLIN PARMA TOWN LINE ROAD, HILTON

Adam Freeman of LandTech represented the land owners.

This development is for 7 new lots, three of which will be 150' wide, and one large lot at the end of the cul-de-sac. The sanitary sewer, all typical utilities and the water main will need to be extended to the end of the cul-de-sac. The total acreage involved is approximately 53 acres. All lots widths are larger than required. This would be putting a close to the subdivision. The two previous sections were approved. The following changes have been made to the map.

- 1) The federal wetland had not been shown along the creek as well as up in the woods on the north end of lots 301, 302, 303, 304. The conservation overlay goes along with the wetlands.
- 2) Showing potential future subdivision of lot # 304. Make sure that the utilities are designed to handle those additional lots.
- 3) Conservation overlay and flood zones were not labeled as proposed.
- 4) The creek has been changed to West Creek from Morman Creek.
- 5) The flag lot in section 2 was shown as remaining lands. This needs to be included in any future districts that are formed.
- 6) The drawing/bar scale has been corrected on the new maps.
- 7) The property is not in an AG district, it is outside of the Ag district but it is currently farmed.
- 8) National wetland inventory maps have been adjusted to show the wetlands.
- 9) The extension of the water main and sewer must comply with the codes.
- 10) Regarding Realty Subdivision and submitting to the Health Department.

Linda Morey brought up Sections 3 and the cul-de-sac. Also there is some talk about connecting to Brick Schoolhouse Road. That has been the problem with this property because it hasn't had any other way to get out of the property. Adam remarked that the egress to Brick Schoolhouse Road was just a discussion about the impracticality of connecting to Brick Schoolhouse Road. The fact that you've got this federal wetland up here requiring you to go all the way to the boundary of the property over here, you would not be able to have some lots in the area not to mention he doesn't own the property up in that area. It is also over 2000 ft to get to Brick Schoolhouse Road. Jim Beehler added that the idea of going out to Brick Schoolhouse Road was something that we were thinking about doing way in the beginning when the development was going strong. There is just not that call for development anymore. We are just asking for approval for a few high end lots to finish this

project. Linda Morey responded she was surprised it was mentioned in the notes as a practical location for a secondary access to the north connecting to Brick Schoolhouse Road. Jim Beehler stated that was from way back.

J.P. Schepp had no engineering concerns but a refresher for everyone. The last proposal we had here was extending the road to the westerly property line, they were proposing at that time 23-24 lots. They went to the Town Board and had it rezoned RM so that they could develop this piece. Even at that time the concept plan we reviewed was an even longer dead end with 24 lots. So to me this is a relatively short extension and a few extra lots so it is really not compared to what we had seen in concept in 2010. It is a lot less intense development for a location that has water and sewer available.

Steve Baase remarked that he was concerned about the size of the cul-de-sac. It is difficult to maneuver a 10 wheeler snow plow in a cul-de-sac. The cul-de-sac is 100 feet. In 2010 he asked for a "T" instead of a cul-de-sac. He also asked about the sewer line and whether it will be a force main out to it. J.P. also had a question if they were all going to be run by gravity. Adam responded it depends on what the actual elevations are, a full survey of the property has not yet been done. The frontage lots are good candidates for gravity. The only one that might not be a good candidate is lot #304 and the other potential lot in that area. They will be private pumps. The Town's responsibility stops at the cul-de-sac. Steve Baase asked if there was going to be enough room for residents to enter and exit their driveways around the snow that will be piled in the center of the cul-de-sac. The lots have 150' frontage. The driveways could be placed to the east of the property lines to save some space on the west end. J.P. Schepp remarked that this is not any different than any other cul-de-sac. All residents have to shovel the end of their driveways. No lots are approved as of now. Lot# 304 is going to remain, with a shared driveway with separate utilities. Steve Baase had another concern about where the town's plowing obligation ends; will the homeowner be able to plow their 1000 ft driveway? He did take a truck and was able to complete a 100 ft turn with the truck and plow. Adam remarked that there are other developments with the same issue and the homeowners take responsibility. Jim Beehler mentioned that there is quite a lot of interest in larger lots with larger homes. The main lots in the back are for the prospective owner and his family. Jim Beehler stated that this be a good looking end to the project.

Jeanine Klopp of the Conservation Advisory Board asked if the Conservation Overlay delineation was added to the new map which she hasn't seen. It has been added. On the map it says conservation easement for lots 301 – 304, what exactly does that mean? It is to keep these woods from being cleared and built on by somebody that might purchase one of these lots. It is not necessary anymore because it will be within the conservation overlay district.

Steve Baase brought up if there was going to be another storm water pond. He has had neighbors messing with the one there now. Right now his only way into that storm water pond is between resident's yards because the pond is dedicated to the town. He just wants to make sure that there is easy access to any pond. Linda Morey responded that we need a plan that would be specific about that and a plan that would be specific so that it didn't just leave that future lot when we wouldn't know what it was. Jim Beehler stated that last time we had an easement. The pond at this site is going to be minimal. Adam stated that at this time we do not have a final design. We might not need a traditional pond with the new Green Infrastructure requirements where they want infiltration into the ground; we might not need traditional storm water ponds. They will leave enough room for access.

Linda Morey asked Ken Licht for input. Are the plans going to be revised for approval of the 10 lots including subdivision of the large lot? Adam responded from the sounds of it you would rather have them know for sure that they are there now instead of being up in the air. I don't see that being a problem. The only reason that it is shown as a lot is that he wants to build on it now. We don't want to come back at a later date and say by the

way we want a few more lots back here. J.P. stated that from a planning point perspective we have to know for SEQR review and planning purposes, are we looking at 10 lots or are we looking at 7 lots. Linda stated that the county comments mentioned the army corps, we should have that done.

Chad had no concerns at this point given the discussion that has ensued about the inadequacy of this map. Are we going to be doing full site plan approval on this? Adam responded yes, at some point.

Steve Lauth commented that the project occurs on or within 500 ft of the AG in the county comments and also it says that the project is not assigned to the following agencies for review, DEC and DOT. Adam responded that these are federal wetlands. J.P. commented that just means they have no jurisdiction and are not going to comment on it. The AG data statement has been submitted and completed.

Linda asked for any other comments.

Dave Martin asked if it was going to be a curbed road. It will be a concrete gutter application. Dave Wolfe added that the application is made out to Mr. Beehler and to Rick Bower. Other references are to Robert Black. Who are we making this application out to? Mr. Black identified himself as the person who made a proposal to purchase this property with the contingency that it could be developed in the manner in which he desires. He has a lot of hands on this plan, a lot of his ideas are in the plan. Jim has done a great job so far and he feels that Jim would be a great candidate to finish this job. The property owners made application. What do you anticipate the square footage of these homes to be? Jim Beehler responded around 2000 sq. ft. ranches. That is a pretty good sized home. It will be straightforward residential homes, no condos or townhomes. Jim also said that it is surprising the phone calls he gets regarding larger homes.

Linda asked for any other comments.

Adam said that it being a concept plan I didn't think they had to come back to go over these things. Ken asked do you want to come back for a "Preliminary"? Adam said that is what they are looking for; conceptually we can work forward on it so that we can do preliminary plans. He doesn't think that any of the things brought up have any effect on what would be approved on a concept level. Dave Wolfe responded that if you are going to come back for a preliminary we are going to have to be very specific on whether there are going to be 7 or 10 lots, if that is your plan. Adam is not sure that a minor change like that would warrant a sending out revised plans waiting for them to come back. Linda stated that we need the report from the army corps also. Peter Toney supposed that the approval for concept could be made contingent because it is so loose at this point. You are just looking for an ok on an idea. Adam said basically yes, we don't want the client to spend a lot of money doing preliminary plans and then come back with the plans and be denied. Are 10 lots too much for the plan? We would not go beyond the 10 lots. J.P. stated that from an engineering perspective I don't think it is a big deal either way for me, if we are eventually going to have 10 lots I would like to see the engineering for it. He would like to see that the storm waters, utilities are calculated for 10 lots. If you are only going to do the 7 then I only want to see the 7. It doesn't matter how many lots there are as long as we have the information current for the lots. Adam said that conceptually to go with 10 lots, then during the preliminary phase if the proposed owner wants to do only 7 then it can be changed. Once we do the preliminary it will be specified 10 or 7 lots. Ken Licht remarked that this is a pre application sketch conference and you have done exactly what the code calls for in this pre application sketch conference. It also states that no formal action will be taken at this time but the planning board applicant discuss and the planning board make suggestions as to what they would like in the final application for preliminary approval. I think that dialog has taken place. A motion is not required at this time. This is a dialog night. Steve Baase brought up the concern of such a long driveway if there will be an issue with fire trucks and ambulances? Will it be an issue in the winter? J.P. responded the development regulations include a standard for private drives that serves up to 5 homes then I believe it is at least an 18 foot wide width.

They will be back with a "preliminary" application.

AGENDA

SINGLE LOT SUBDIVISION

MICHAEL LASZEWSKI
60 & 100 KETCHUM ROAD, HAMLIN

Application for Michal Laszewski for “Preliminary and Final” Single Lot Subdivision approval pursuant to Town Code §520-66(J)(1) for premises located at 60 & 100 Ketchum Road, Hamlin.

Dave Matt of Schultz Associates represented Michael Laszewski.

This land had been subdivided earlier in the year. The site plan states lots 1, 2 & 4 are all 5 acres. There are 20 acres left for lot #3. At that time they did a site plan for lot 4 and lots 1 & 3 were left without a site plan. The perk tests were done this summer. Lot #1 full raised system 100 ft offset with one leach field. Lot #3 we have a standard depth modified raised system that allowed us to show it at 240' x 60' in back. Lot 32 and the backland the owner is keeping for himself. All homes will have a walkout basement and a pole barn. That is what he wants on his lot so that is what he is showing on all the lots. There will be 2 ponds in the back sized for fill. If the buyer does not want a walkout basement they will save on fill. There is public water on site.

J.P. responded with no major engineering concerns. He did not see how the barns were accessible from the driveways. If someone was going to utilize the barns for storage of equipment we need to see a drive way back to the barns. The pond on 3A seems to be close, there is a 40' setback required, and it just needs to be dimensioned. It just looks a little tight. The remainder of the lot #3B there are several conservation overlay districts that are associated with 3B. Let's just make sure we have some buildable area left and that we are not creating some non buildable lot. Dave Matt remarked that they are 100' off the bank of Cowsucker Creek. The site plan for Lot 3a & Lot 1 were approved. This is one of the rare exceptions for the federal wetlands map. Just making sure we are not creating something unusable.

Ken Licht added that on Lot #3A I think that it is basically 2 applications, an application for re-subdivision of Lot #3 and 2 separate lots. It is treated as a regular subdivision, and also site plan approval for 2 single family houses

Chad noticed the elevation issues that J.P. brought up earlier. But aside from that I have nothing to add.

Conservation Board member Jeanine Klopp added that J.P. pretty much covered the conservation overlays.

Linda Morey asked Dave Matt if the pond is going to be a problem that might need a variance. He said no, there is more than enough room. They can adjust the size of the pond to conform to the required setback.

Steve Lauth brought up the concern of arsenic on Lot#2 which is the heavily wooded area which used to be an orchard. The ground has been tested back in Jan. or Feb. when the original subdivision was approved.

A motion was made by Steve Lauth, seconded by Peter Tonery to send the application for Michael Laszewski for “Preliminary and Final” to a **Public Hearing** on January 6, 2014 for a re-subdivision of Lot#3 and for site plan approval for a single family home on lot #1 and lot #A of the subdivision located at 60 & 100 Ketchum Road, Hamlin.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

PRELIMINARY AND FINAL SUBDIVISION APPROVAL

JOHN ROONEY

4091 & 4109 ROOSEVELY HIGHWAY, HAMLIN

Application for John Rooney for “Preliminary and Final” Subdivision Approval pursuant to Town Code§520-66(J)(2) for premises located at 4019 & 4109 Roosevelt Highway, Hamlin.

Jim Glogowski was not present to represent Mr. Rooney. They will be placed on the *Agenda* for the January 6, 2014 meeting. This is may be an approved Lot line shift that needs re-signing.

AGENDA

SPECIAL USE PERMIT

GREG WHELEHAN

2222 BRICK SCHOOLHOUSE ROAD, HAMLIN

Application for Greg Whelehan for a Special use Permit pursuant to Town Code§520-67 to operate a K-9 training business in an accessory building at 2222 Brick Schoolhouse Road, Hamlin a use in the R-VL zoning district which requires a Special use Permit pursuant to Town Code§520-11(3)(c).

Greg Whelehan represented himself before the Board.

Greg Whelehan is seeking a *Special Use Permit* to operate a K-9 training business with his future wife. There is currently a dwelling on the premises with 23 acres. There is metal structure pole barn currently on the property. There will be some boarding and some family pets on the property. Each dog may be there 2 – 4 weeks. Only twenty percent of the dog’s entire training will be on site. The hours of operation will be M-F from 3:30 p.m. -7:30 p.m. and Sat. & Sun from 7:00a.m. – 7:00 p.m.. There are indoor and outdoor kennels. They expect 1 – 2 customers per day. There will be no deliveries on site, postal mail or packages. There will be normal waste removal which the carrier is aware of. Currently there are non-fighting cages on site. They are 4 x 4 in size. There is 4 in the play area for smaller dogs, around the back are a total of 6 4 x4 runs. They expect to do more privacy fencing when they can afford it. The dogs are always leashed; no dogs will be free range.

Linda Morey asked if there were any comments.

J.P. Schepp thought it was hard to decipher from the plans/sketches provided. The sketch of the 31 x 46 building is on the map.

Ken Licht asked if it was all one lot now. Mr. Whelehan stated yes. It was brought to the Planning Board to combine two lots earlier this year. The existing land now is a combination of 2 lots. Also put in the maximum number of dogs that would be kenneled at one time. Mr. Whelehan stated that there would be 10 dogs maximum. Ken added that any Special Use Permit also needs a simultaneous Site Plan approval so that the board will be satisfied with the site plan.

Chad Fabry asked if the house is 1000 feet off the road. Mr. Whelehan said yes. The barn is 340 feet from the road. How close is your closest neighbor? Steve Lauth responded 1000 feet. Chad had no other concerns.

Linda Morey said that they would need a better site plan. You do have the appropriate water source for the animals. There is a well inside the metal structure, and a well at the house that have passed inspection at time of purchase. Peter Tonery brought up the concern of the residents of the town concerning large dogs. Mr. Whelehan is an animal behaviorist. He has been training dog for 15 years. He has police dogs from pretty much every police agency in the country. He has done seminars for police all over the world. Also 85 – 90% of

police dog training isn't done at his site. We use schools, buildings, and factories. I import the dogs from Europe they pick them up at my facility. I do obedience, imprinting, tracking for missing persons and then they leave the facility. He doesn't house or provide dangerous dogs. Any of his police dogs could live with any of your families. Peter Tonery remarked that he is not questioning any of Mr. Whelehan's skills or the quality of his training. Perception is reality and this town was traumatized by a guy who was breeding big dogs probably for the opposite reason you train them for. The residents would want to know that these dogs are safely confined. He wonders if the back runs need to be fenced. Steve Lauth mentioned that he was out to the site and it is a top of the line facility. Most of the dogs will be aged 8 weeks old to 1 year old, mainly puppies. Peter Tonery is concerned about the one acre training area in the back. He feels the dogs should always be on a leash. Mr. Whelehan states that is always his rule. Dave Wolfe who also has a back ground in law enforcement asked to whose standard you will be training these canine dogs. The way that dogs are trained has changed. There is nothing that is done that could be construed as abuse of the animal. It is not the Americanized or police way anymore. In the states it is more of a reward system of training. Steve Lauth commented that he liked that the site was very private. Chad Fabry commented that if you have a dog for less than 6 months no harboring permit necessary. A neighbor spoke that he wanted to stay informed of this business. He will look in the paper for any public information that pertains to this SUP.

A motion was made by Dave Wolfe, seconded by Mark Reeves for a **Public Hearing** on January 6, 2014 for a **Special Use Permit** pursuant to Town Code§520-67 to operate a K-9 training business in an accessory building located at 2222 Brick Schoolhouse Road, Hamlin for use in R-VL zoning district which requires **Special Use Permit** for pursuant to Town Code§520-11(3)(c).

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

Linda Morey suggested that Mr. Whelehan consult Chad Fabry on the site plan revisions.

AGENDA

LOT LINE ADJUSTMENT

**JAMES & MARY ELLEN KRUGER
981 CHASE ROAD, HAMLIN**

Application for James Kruger for Approval pursuant to Town Code§520-66(J)(1) to adjust the lot lines between premises at 981 Chase Road, Hamlin and other premises of the applicant.

Rich Maier from D.D.S. represented the Krugers.

This property is on Chase Road and is part of the Kruger farm. The area variance has already been granted by the Zoning Board. It is zoned R-VL. The new lot will be 2.5 acres so that they can have more tillable land for the property. Linda Morey noticed that there are two names as owners with only one signature. Mary Ellen Kruger needs to also sign the application. It will be signed tomorrow morning.

J.P. Schepp had no engineering concerns.

Ken Licht stated that there is another application for a lot line adjustment for lot #2 at 660 Walker Lake Ontario Road. They need separate motions to approve the lot line adjustments for each lot.

Conservation Board had no issues.

Chad Fabry had no concerns.

A motion was made by Peter Tonery, seconded by Steve Lauth to grant the application for lot line adjustment under Town Code§520-66(J0(1) for the premises at 981 Chase Road, Hamlin and waive the requirement for **Public Hearing**. No county comments are needed.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

LOT LINE ADJUSTMENT

**ROBERT KRUGER
660 WALKER LAKE ONTARIO ROAD, HAMLIN**

A motion was made by Peter Tonery, seconded by Mark Reeves to grant the application for lot line adjustment under Town Code§520-66(J)(1) for the premises at 660 Walker Lake Ontario Road, Hamlin and waive the requirements for **Public Hearing**. No county comments are needed.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

DISCUSSION

Linda Morey asked Town Councilperson Dave Rose if there was a report from the town. Letters have been received for the Zoning and the Conservation Boards stating they would like Ken Licht to stay on as their attorney. It will be on the Agenda for the December 8, 2013 Town Board Meeting. The Budget for 2014 was passed. The zoning workshops probably not start until the end of January 2014.

Steve Lauth went and looked at the Manville Subdivision site. The shed in question is a 2 story bathhouse with a deck and a dock. Chad asked if it was a changing house. Are there rest room facilities? In absence of rest rooms or cooking facilities it is still a shed. Chad has not seen it. Steve did not go in but it looks to him like someplace where people stay. A variance is needed for that structure. It is listed on the plans as a shed with no dimensions. They will be before the Zoning Board this month.

At this time Linda Morey stated that next is to discuss the attorney job description. People may leave or they may stay. It doesn't mean that everybody else has to sit around here.

Dave Rose approached and gave the salary for a new attorney.

Linda Morey told the clerk she could stay if she wanted. The clerk said she could usually stay but tonight she needed to leave. The clerk left at 9:10 p.m.

After discussion it was agreed that Linda would compile our collective thoughts and send them for individual review prior to the meeting next Monday with the Town Board.

The Board discussion ended at 9:20 p.m.

ADJOURNMENT

A motion was made to adjourn tonight's meeting by David Wolfe and seconded by Mark Reeves barring no further business at 9:20 p.m.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, January 6, 2014 at 7:30 p.m. Deadline for applications and all fees is December 17, 2013 at 12 noon.

DRAFT